UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

BUILDERS MUTUAL INS. CO.,

Plaintiff,

v. ACTION NO. 2:09cv185

DRAGAS MANAGEMENT CORP., et al.,

Defendants.

O R D E R

On January 28, 2011, the Court held a telephone conference clarifying the undersigned's ruling on Plaintiff BMIC's previously argued Motion for a Protective Order (ECF No. 125) and Motion to Quash (ECF No. 123). Plaintiff BMIC was represented by Mikhael David Charnoff, Esq, and Courtney S. Schorr, Esq. Defendant Dragas Management was represented by William Edgar Spivey, Esq. The Official Court Reporter was Sue Ash.

Plaintiff's Motion to Quash the deposition of David Manfreda (ECF No. 125) is GRANTED. Plaintiff's Motion for Protective Order (ECF No. 123) is DENIED IN PART. BMIC is directed to turn over all documents related to Dragas's insurance claim between the date of filing, January 26, 2009 and the date of commencement of this action, excepting all documents that are subject to attorney-client or work product privilege and those documents which fall within this Court's previously entered protective order (ECF No. 111). To the extent that a document within the claims file refers to an earlier document, decision, or person within the control of BMIC, all such referenced documents must be submitted to Dragas Management and all such persons must be made available for deposition.

Plaintiff's Motion for a Protective Order is also GRANTED IN PART. All documents and depositions sought which speak to earlier interpretations or constructions of policy language or that speak to the question of ambiguity are not discoverable.

Plaintiff is further DIRECTED to submit on or before February 4, 2011 an affidavit stating that no other claim documents remain which have not been submitted to Dragas Management during the discovery period.

The Clerk is DIRECTED to mail a copy of this Order to all counsel of record.

___________/s/___________

Tommy E. Miller
United States Magistrate Judge

Norfolk, Virginia
January 28, 2011